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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/084,217

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Eckhardt Harald

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7590 10/26/2007  
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EXAMINER

TSEGAYE, SABA

ART UNIT

PAPER NUMBER

2619

MAIL DATE

DELIVERY MODE

10/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/084,217	<b>Applicant(s)</b> HARALD, ECKHARDT	
	<b>Examiner</b> Saba Tsegaye	<b>Art Unit</b> 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10 and 12-15 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is in response to the amendment filed 07/30/07. Claims 1, 2, 4-8 and 10-15 are pending. Currently no claims are in condition for allowance.

### ***Claim Rejections - 35 USC § 102***

2. Claims 1, 2, 4-8, 10 and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Sharma et al. (7,136,382 B1).

Regarding claims 1, 5 and 7, Sharma discloses, in Figs. 1-4 and 6, a network-unit for use in a telecommunication network and comprising:

- at least one input ( 401) for receiving a signal comprising a first field (D; fig. 2) which is directly analyzable (column 7, line 10-15) and a second field ( Y.Z; fig. 2 ) network which is analyzable after a processing (column 8, lines 14-18; column 5, lines 63-67),
- a first analyzer coupled to said at least one input for analyzing first information originating from said first field (column 7, line 10-15),
- a processor for performing said processing of second information originating from said second field (..the packet address information is processed in a manner well known in the art; column 8, lines 35-36), and
- a second analyzer coupled to said processor for analyzing processed second information (column 7, lines 30-45),

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- at least one output for sending a further signal to a further network-unit and comprising a third field, which is directly analyzable, and a fourth field which is analyzable after a processing in said further network-unit (column 8, lines 42-47),

wherein said first analyzer is coupled to said processor (402, 500) for, in dependence of an analysis result of said first information, selecting at least one output and switching at least a port of said signal to said selected output or performing said processing, with said first information comprising non-address information, and with said second information comprising address information defining further network-units (column 7, lines 24-45); wherein the first field (D) comprises a quality field for indicating a quality, with the second field comprising an IP-address field (Y.Z) for indicating an IP address; and wherein at least a part of the quality field is used for indicating a destination of the signal and a detection of this indication of the destination is the analysis result (column 7, lines 10-45).

Regarding claims 2, 6 and 8, Sharma discloses network unit wherein the network unit further comprises:

- a first generator coupled to said at least one output for generating said third information, and a second generator coupled to said at least one output for generating said fourth information (...the packet is forwarded to another intermediate node where the described process is repeated... column 8, lines 42-48).

Regarding claims 4 and 10, Sharma discloses network-unit wherein the processing corresponds table consultation (500; fig. 4).

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Regarding claims 12-14, Sharma discloses the network-unit wherein the first field comprised a plurality of subfields, wherein one of the plurality of subfields comprises first information (D; see fig. 2).

Regarding claim 15, Sharma disclose the network unit wherein the further signal is an output signal of the network-unit, which is sent to a second network unit (column 8, lines 42-48).

### ***Allowable Subject Matter***

3. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

4. Applicant's arguments filed 07/30/07 have been fully considered but they are not persuasive. Applicant argues (Remarks, page 2) that *the provisional Application NO. 60/227,882 does not contain the subject matter of Sharma '382; for example, the routing flow ID module 402 and the scheduler 406*. Examiner respectfully disagrees. Shrama '382 discloses in Fig. 4, a **router 400** that is typically **found at intermediate nodes** between path segments or links in network cloud. The **conventional** routing flow ID module 402 is **modified** to access the portion of the IPv6 address represented by the letter "D" to implement a novel IP zoning technique. Although Shrama '882 does not use the same terminology as patent '382 (e.g. module 402 and scheduler 406), Shrama '882 does disclose **intermediate nodes** that check first four bits of a "D"

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(QoS code) portion of the IPv6 received packet. Further, Sharma '882 discloses that IP zoning is a unique application of an **existing routing standard**. A DEN device that is currently deployed in the Internet with an xSP configured to execute TCP/IP version 4 addressing may be **upgraded** with hardware "blade" that supports IPv6 addressing. By applying IP zoning techniques to that **upgraded DEN** enabled device, the particular IP zone or class of service assigned to a particular transaction can be determined utilizing the broker and NOC entities (pages 22-23). This shows both '882 and '382 disclose that the existing routers (routing flow id module) or intermediate devices are upgraded to implement novel QoS technique utilizing IPv6 addresses. Examiner believes that Sharma '382 qualify as prior art. Therefore, the rejection claims 1, 2, 4-8 10 and 12-15 in view of Sharma '382 is maintained.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (571) 272-3091. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Saba Tsegaye  
Examiner  
Art Unit 2619

ST  
October 15, 2007

  
10/24/07  
WING CHAN  
SUPERVISORY PATENT EXAMINER